

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-9 are currently pending in this application and Claims 1 and 2 are amended.

In the outstanding Office Action, the title was objected to for not describing the claimed invention; Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; Claims 1 and 3 were rejected under 35 U.S.C. §102(b) as anticipated by Yagi etl al. (U.S. Patent No. 5,346,858, hereinafter Yagi); Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over Yagi in view of Wolf and Tauber, "Silicon Processing for the VLSI Era, Volume 2 – Process Integration," p. 851-2 and further in view of Schulte (U.S. Patent No. 4,319,032); and Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Yagi in view of Ristic et al. (U.S. Patent No. 5,545,912).

In response to the objection to the title, the title is amended to be more descriptive of the claimed invention.

In response to the rejection of Claims 1-9 under 35 U.S.C. §112, Claim 1 is amended, without adding new matter, to address the deficiencies identified in the outstanding Office Action.

In particular, Claim 1 is amended to remove "and an area of said corner portion of said one semiconductor substrate including said potential drawing portion is almost equal to or less than an area of each of said potential drawing portions of said other semiconductor substrates."

Therefore, Applicants respectfully submit that amended Claim 1 (and its dependent Claims 2-9) comply with the requirements of 35 U.S.C. §112.

Furthermore, Claim 1 is amended to more clearly describe and distinctly claim Applicant's invention. Support for this amendment is found in Fig. 3, for example, and therefore, no new matter is added. In addition, Claim 2 is amended to correct a minor informality.

Amended Claim 1 is directed toward a semiconductor device including an upper substrate on which a plurality of through holes are formed. There is a lower substrate and a plurality of semiconductor substrates provided between the upper substrate and the lower substrate. The plurality of semiconductor substrates form a fixed electrode and a variable electrode, each configured to have a potential drawing portion, abutting on the through holes to draw potentials. One of the plurality of semiconductor substrates is so formed as to surround a periphery of a region between the upper substrate and the lower substrate, to form an outer peripheral frame. The others of the plurality of semiconductor substrates are surrounded by an inner periphery of the outer peripheral frame formed by the one semiconductor substrate. The potential drawing portion of the one semiconductor substrate is formed at a corner portion thereof. By placing the potential drawing portion of the one semiconductor substrate at a corner of the one semiconductor substrate, the semiconductor device can be made smaller.¹

Yagi discloses a sensor for measuring angular acceleration. The sensor includes a weight that is disposed on a rotational axis, a fixed electrode provided in opposed relationship with the weight and a means for detecting angular acceleration applied to the weight from a variation in the spacing between the fixed electrode and the weight.²

With respect to the rejection of Claim 1, Applicants respectfully submit that Yagi does not disclose all the elements of amended Claim 1. Amended Claim 1 recites "said potential drawing portion of said one semiconductor substrate is formed at a corner portion

¹ Specification, page 11, lines 13-15.

² Yagi, col. 2, lines 32-45.

thereof....” Indeed, Yagi does not disclose or suggest that a potential drawing portion of the one semiconductor substrate is formed at a corner portion.

The Office Action states that base plate 41 equates to “the one semiconductor substrate” recited in Claim 1.³ Yagi does not disclose locating a potential drawing portion anywhere on base plate 41.

Amended Claim 1 also recites “...a plurality of semiconductor substrates provided between said upper substrate and said lower substrate; said plurality of semiconductor substrates forming a fixed electrode....” Indeed, the semiconductor substrates 42 and 44 of Yagi do not form a fixed electrode.

On the contrary, Yagi discloses that semiconductor substrates 42 and 44 are moveable relative to glass plates 46 and 47.⁴ Thus, electrodes formed on substrates 42 and 44 are not fixed electrodes.⁵

Furthermore, the Office Action states that base plate 41 is a fixed electrode.⁶ However, as shown in Fig. 11 of Yagi, the fixed electrodes are denoted by reference numerals 48 and 49, and these fixed electrodes are not formed from the semiconductor substrates. Rather, fixed electrodes 48 and 49 are provided on the underside of the upper glass plate 46.⁷

In view of the above noted distinctions, Applicant respectfully submits that amended Claim 1 (and its dependent Claims 2-9) patentably distinguish over Yagi.

It is respectfully requested that the references submitted in the IDS filed February 26, 2004 be considered on the record, and that the Examiner send the undersigned a checked off PTO-1449 form to that effect.

³ Office Action, page 3.

⁴ Yagi, Fig. 11 and col. 5, lines 29-36.

⁵ Yagi, col. 6, lines 1-5.

⁶ Office Action, page 3.

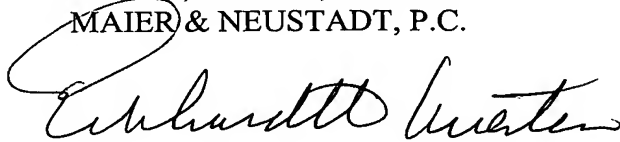
⁷ Yagi, col. 5, lines 42-43.

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Consequently, in view of the above amendments and comments, it is respectfully submitted that that the outstanding rejection is traversed and that the pending claims are in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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